UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/45/644
18 October 1990

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 18

IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Question of Western Sahara

Report of the Secretary-General

1. At its forty-fourth session, on 11 December 1989, the General Assembly adopted, without a vote, resolution 44/88 which reads as follows:

"The General Assembly,

"Having considered in depth the question of Western Sahara,

"Recalling the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution 43/33 of 22 November 1988 on the question of Western Sahara,

"Recalling resolution AHG/Res.104 (XIX) on Western Sahara, 1/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

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"1/ For the text, see resolution 38/40, para. 1.

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"Taking note with appreciation of the final document on Western Sahara adopted by the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 2/

"Recalling Security Council resolution 621 (1988) of 20 September 1988 concerning the question of Western Sahara,

"Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 3/

"Having examined the report of the Secretary-General on the question of Western Sahara, 4/

"Reiterating its support for the joint good offices process initiated in New York on 9 April 1986 by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to promoting a just and definitive solution of the question of Western Sahara, in accordance with resolution AHG/Res.104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

"1. Takes note with appreciation of the report of the Secretary-General on the question of Western Sahara;

"2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

"3. Stresses the importance of the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

"2/ See A/44/551-S/20870, annex.

"3/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 23 (A/44/23), chap. X.

"4/ A/44/634 and Corr.1.

"4. Welcomes the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

"5. Also welcomes the progress achieved by the joint good offices process and urges the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts with a view to resolving the remaining problems, and thus to fulfil the necessary conditions for the holding of a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

"6. Takes note with appreciation of the establishment of a technical commission to assist the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations in their joint good offices with a view to resolving the question of Western Sahara;

"7. Welcomes the talks in Marrakech between His Majesty King Hassan II of Morocco and a high-level delegation from the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, and endorses the hope of the Secretary-General of the United Nations and the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity that there will be further meetings of this nature to improve the prospects for the success of the peace process;

"8. Expresses its conviction that the continuation of direct dialogue between the two parties to the conflict could contribute to the completion of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara and to stability and security in the whole region;

"9. Appeals once again to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to display the co-operation and the political goodwill necessary for the success of the joint good offices process of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations;

"10. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-fifth session;

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"11. Invites the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

"12. Invites the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of the present resolution and to report thereon to the General Assembly at its forty-fifth session."

2. The present report, which covers the period from 12 October 1989 to 10 October 1990, is submitted in accordance with paragraph 12 of the above-mentioned resolution.

3. The Secretary-General reported to the forty-fourth session of the General Assembly (A/44/634 and Corr.1) that, following the acceptance in principle by the two parties in August 1988 of the Settlement Proposals for resolving the question of Western Sahara in accordance with General Assembly resolution 40/50, the efforts of the Chairman of the Organization of African Unity (OAU) and his own were directed towards clarifying specific matters raised by the parties on some aspects of the proposals. He also stated that the parties had continued to co-operate in the effort and to support the continuation of the peace process.

4. In January 1990, the Secretary-General appointed Mr. Johannes Manz, a national of Switzerland, as his Special Representative to replace Mr. Héctor Gros Espiell.

5. The following month, the Special Representative visited Western Sahara on a familiarization mission, and the capitals of the countries neighbouring the Territory where he conferred with their leaders. While in Morocco, he also delivered a message from the Secretary-General to King Hassan II.

6. The Secretary-General visited the region from 23 to 27 March 1990 in pursuance of his good offices mission.

7. In Morocco, the Secretary-General was granted an audience by King Hassan II, during which he reviewed the progress achieved with regard to his mission of good offices on Western Sahara. During the discussion, the Secretary-General also sought clarification of the Moroccan position on several aspects of the question.

8. In the course of his visit to the headquarters of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) near Tindouf, the Secretary-General of the United Nations met with the Secretary-General of the Frente POLISARIO, Mr. Mohamed Abdelaziz. The meeting provided an opportunity for the POLISARIO leader to be briefed on the details of the proposed implementation plan for Western Sahara, and to seek clarification on various issues.

9. In view of the role being played by Algeria and Mauritania as observers to the peace process, the Secretary-General also arranged to meet with their leaders during his trip to the region. The Secretary-General visited Algeria where he was received by President Chadli Bendjedid and discussed the latest developments on the Western Saharan situation and the progress achieved to date in resolving

outstanding problems. Similar discussions were held a few days earlier with Lt.-Col. N'Diaye Kane, Permanent Secretary to the Comité Militaire de Salut National (CMSN) of Mauritania, when the Secretary-General met with him in Windhoek during the Namibian independence celebrations. During these discussions, President Bendjedid and the representative of the Mauritanian Government reassured the Secretary-General of the full support of Algeria and Mauritania for the good offices jointly undertaken by the Secretary-General of the United Nations and the current Chairman of OAU for the resolution of the question of Western Sahara.

10. As part of the ongoing consultations with the Chairman of OAU, the Under-Secretary-General of the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship delivered a personal message from the Secretary-General, Mr. Abdulrahim Farah, to the then Chairman of OAU, President Hosni Mubarak, in Cairo on 17 April 1990. The Chairman was briefed on the latest developments concerning Western Sahara, including the proposed United Nations implementation plan. The Under-Secretary-General was accompanied by Mr. Issa Diallo, Special Assistant to the Secretary-General. During the same month, Mr. Diallo travelled to Morocco to deliver a message from the Secretary-General to King Hassan II.

11. On 14 May, the Secretary-General received at United Nations Headquarters Mr. Bachir Mustapha Sayed, representative of the Frente POLISARIO, and discussed with him various matters relating to the proposed United Nations implementation plan for Western Sahara.

12. As part of the preparatory process for the implementation of the Settlement Proposals, the Secretary-General, in consultation with the Chairman of OAU, completed arrangements for the setting up of the Identification Commission provided for in the Settlement Proposals. The Commission will have the responsibility of verifying the identity and eligibility of the people of the Territory who wish to vote in the referendum and to issue them voter-registration cards. It will be recalled that in accordance with the Settlement Proposals, the Identification Commission will update the census undertaken by the Spanish Government in 1974, which will serve as the basis for the identification of the Saharawis eligible to vote.

13. Since the process of identification will require the assistance of tribal chiefs and leaders, the Secretary-General convened a meeting at Geneva from 4 to 6 June at which the terms of reference of the Identification Commission and its methods of work were explained to 38 tribal chiefs and elders from Western Sahara. The meeting also provided the tribal chiefs and elders an opportunity to make suggestions to the Commission on the best means of identifying qualified voters, as well as ways in which they could be of assistance to the Commission during the actual performance of its work.

14. Following these meetings, the Secretary-General presented to the Security Council his report 1/ containing the full text of the Settlement Proposals as accepted in principle by the two parties on 30 August 1988, as well as the implementation plan proposed by him pursuant to Security Council resolution 621 (1988) of 20 September 1988.

15. On the basis of the Secretary-General's report, the Security Council unanimously adopted resolution 658 (1990) on 27 June 1990. In that resolution, the Council expressed its full support to the Secretary-General in his mission of good offices, pursued jointly with the current Chairman of OAU, with a view to settling the question of Western Sahara, welcomed the intention of the Secretary-General to dispatch, in the immediate future, a technical mission to the Territory and to neighbouring countries, in particular to refine the administrative aspects of the outlined plan and to obtain the necessary information for the preparation of a further report to the Council, and requested the Secretary-General to transmit to it as soon as possible a further detailed report on his implementation plan, containing in particular an estimate of the cost of the United Nations Mission for the referendum in Western Sahara (MINURSO), on the understanding that that further report should be the basis on which the Council would authorize the establishment of the Mission.

16. Pursuant to the above resolution, the Secretary-General held further talks in Geneva from 5 to 9 July with the representatives of Morocco and the Frente POLISARIO on how best to implement the peace plan approved by the Security Council. He held talks successively with Mr. Abdelatif Filali, Minister of State in charge of Foreign Affairs and Co-operation of the Kingdom of Morocco, and Mr. Bachir Mustapha Sayed, member of the Executive Committee of the Frente POLISARIO, responsible for external relations.

17. During the discussions, the Secretary-General examined with the parties a number of issues relating to the referendum. These included the question of a code of conduct during the referendum campaign, an extension of the suspension of military operations, and the prospect of direct dialogue between the two parties under the auspices of the Secretary-General.

18. In his message to the annual Assembly of Heads of State and Government of OAU on 9 July 1990, the Secretary-General informed the African leaders that progress on the question of Western Sahara "had reached a point where there was not only an agreed set of proposals for the settlement of the problem but also a precise plan and time-frame for their implementation".

19. In response to paragraph 4 of Security Council resolution 658 (1990), the Secretary-General dispatched a technical survey mission to the Territory and neighbouring countries from 29 July to 11 August to refine the administrative aspects of the implementation plan. The mission, which was led by Mr. Diallo, Special Assistant to the Secretary-General, was also instructed to obtain the necessary information for an estimate of the cost of the operation, and to ascertain the available facilities and services to support the operation. Such information was necessary for the Secretary-General to prepare his further detailed report on the implementation plan to the Security Council on the basis of which the Council would authorize the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

20. In the course of its stay in the region, the mission held meetings with senior representatives of the Government of Morocco and the Frente POLISARIO. In Nouakchott, it held discussions with the President of Mauritania, Col. Maawiya Ould Sid' Ahmed Taya. In Algiers, the mission met with the Minister for Foreign Affairs, Mr. Sid Ahmed Ghozali.

21. During the forty-fifth session of the General Assembly, the Secretary-General met with Mr. Filali, as well as with Mr. Mustapha Sayed. The discussions focused particularly on the report which the Secretary-General will submit to the Security Council.

22. The Secretary-General also met with Mr. Yoweri Museveni, President of the Republic of Uganda and current Chairman of OAU, with whom he had the opportunity to clarify once again the role of OAU in the implementation of the settlement plan.

CONCLUSION

23. The Secretary-General has maintained close contact with the Chairman of OAU on all aspects of the question of Western Sahara. He has also remained in contact with the two parties either personally or through his senior aides. Such contacts have helped to clarify the approach that is being taken by the United Nations on specific issues of direct interest to the parties, and have made it possible to take full account of their concerns regarding the implementation plan.

24. The Secretary-General continues to be encouraged by the progress that is being made with respect to the peace process. An agreed set of proposals and a timetable for their implementation have been agreed upon. So also has a plan which provides for the holding of a referendum for the self-determination of the people of Western Sahara, without military or administrative constraints, organized and conducted by the United Nations in co-operation with OAU.

25. The series of good offices missions undertaken by the Secretary-General during the period under review have enjoyed the full co-operation and goodwill of the two parties in their shared interest to move towards the implementation of the referendum. The co-operation and support accorded to the technical survey mission by the parties and the countries neighbouring the Territory enabled it to accomplish its task.

26. With regard to the discussions held in Geneva in June between the United Nations and the tribal chiefs and leaders from Western Sahara, the Secretary-General is appreciative of the willingness of the tribal leaders to help in the identification process since their co-operation is indispensable to the international effort to resolve the question peacefully and expeditiously.

27. The Secretary-General is of the view that, given the co-operation and political will displayed by the parties, a solution of this long-standing problem is well within reach. He therefore expresses the hope that the parties will continue to accord great attention to all questions regarding the implementation of the peace plan.

28. The Secretary-General intends to submit to the Security Council as soon as possible a further detailed report which will provide additional information on how he proposes to proceed with the implementation plan for Western Sahara. The report will provide the basis for the Security Council to authorize the establishment of MINURSO.

29. The Secretary-General believes that the question of Western Sahara has entered a decisive stage, and is convinced that every effort should be made to contribute to the definitive solution of the issue and to the consolidation of peace and stability in the region. He expresses the hope that the General Assembly at its forty-fifth session will make an important contribution towards this objective.

Notes

1/ S/21360.

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Distr.
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A/45/644/Corr.1
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ENGLISH ONLY

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Report of the Secretary-General

Corrigendum

Page 5, paragraph 10

The first sentence should read

As part of the ongoing consultations with the Chairman of OAU, the Under-Secretary-General of the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship, Mr. Abdulrahim Farah, delivered a personal message from the Secretary-General to the then Chairman of OAU, President Hosni Mubarak, in Cairo on 17 April 1990.

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